

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraint:

Prior to undertaking any surface-disturbance activities on lands covered by this lease, the lessee or operator, unless notified by the contrary by the BLM, shall:

1. Contact the BLM to determine if a site specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted.
2. Implement mitigation measures required by the BLM to preserve, avoid or recover vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures. All cost associated with the inventory and mitigation will be borne by the lessee or operator.
3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this lease and shall leave such discoveries intact until directed to proceed by the BLM.

On the lands described below:

For the purpose of:

To protect key paleontological resources from disturbance, or mitigate the effects of disturbance to conserve scientific and interpretive values, and the interests of the surface owner.

Exception: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include significant fossils as described in Appendix J and FSM 2883.

Waiver: NONE

CSU 12-20
South Dakota Field Office

This stipulation is used on split estate lands (private surface/federal minerals) within the Buffalo Gap and Dakota Prairie Grasslands Units.